

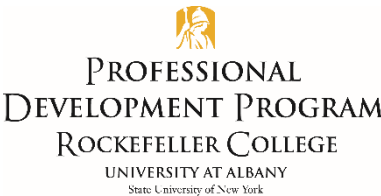
# Module 9: Non-LDSS Custody-Relative/Resource Placement

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**Office of Children  
and Family Services**



## Introduction & Rationale

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This module provides FASP writers with detailed guidance in completing the Non-Local Department of Social Services (LDSS) Custody-Relative/Resource Placement section of the FASP.

A primary mission of OCFS is to promote safe, permanent families for children through services which protect and support the children within their own family. When children cannot be kept safe in their own home, or when children's behavior cannot be managed through in-home services, the Safety Plan, Service Plan, and/or concurrent permanency plan may include having the child live temporarily with relatives, other family resources, or other suitable persons who are not relatives, while the parents work with the agency to resolve the presenting issues. If relatives are identified as potential resources for a child needing temporary placement, OCFS requires that they be given a copy of *Having a Voice and a Choice: New York State Handbook for Relatives Raising Children*. The relatives must also be notified of the options under which they may provide care of the child, through foster care or direct legal custody or guardianship, including kinship guardianship assistance, and any options that may be lost by failure to respond timely (09-OCFS-ADM-04). In addition, OCFS created a supplemental booklet that specifically covers information about the KinGAP program, *Know Your Permanency Options: The Kinship Guardianship Assistance Program (KinGAP)*, since that program did not exist when the original relative handbook was created. Relatives must be given both publications to be sure they know information about all of their options (11-OCFS-ADM-03). It's important for relatives to understand that if they do not choose to become foster parents to their kin, they will not have the option to apply for the KinGAP program.

Districts are increasingly turning to alternatives to foster care placement as a means to promote safety by using relatives, other family resources, or other suitable persons who are not relatives as alternate caretakers. Such arrangements may be formal arrangements (court placements, kinship guardianship) or informal arrangements (agreements between individuals). Depending on the nature of the arrangement, they may be referred to as "Non-LDSS Custody," "Non-LDSS Placements," "N-Docket Placements," "Article 10 Custody," "Kinship placements," or "direct placements." Formal placements may involve an Article 10 removal, wherein a court grants temporary custody to the relatives, other family resource, or other suitable persons who are not relatives. Formal placements that are made through an Article 10 proceeding are accompanied by LDSS supervision and formal periodic Permanency Hearings by the court; however, Article 6 custody/guardianships and informal arrangements will not have LDSS supervision and Permanency Hearings. Informal arrangements involve only an agreement between the parents, the alternate resource, and LDSS or Probation agencies. Families may use an alternate living arrangement to temporarily address safety or other issues in both CPS and non-CPS cases.

Children in Non-LDSS placements are not in foster care, as they are not in the custody of the LDSS or OCFS Commissioner. Depending upon the specific legal arrangement (or lack of one), the children are in the temporary custody of the relatives/alternate resource, or, less often, they remain in the legal custody of the parents with physical care by the relative/alternate resource. Thus, the Program Choice of Placement, which applies only to children in foster care, is not appropriate. The appropriate Program Choice for children in such a temporary alternate living arrangement is "Non-LDSS Custody-Relative/Resource Placement." (This will be abbreviated throughout the rest of this document as Non-LDSS Custody). This Program Choice triggers CONNECTIONS to generate the Non-LDSS Custody section of the FASP. This section of the FASP is intended to

support clear, focused assessment and decision making, specific to this type of living arrangement. The Program Choice of Non-LDSS Custody must be used in conjunction with a Protective or Preventive Program Choice, as appropriate to case circumstances. Non-LDSS Custody and Placement cannot be selected simultaneously for the same child.

#### *Accuracy Check for Children Living with Relatives/Other Resources:*

There are a number of arrangements by which a child may live with relatives, other family resources, or suitable persons who are not related. It is imperative to clarify the legal status of any child in an alternative living arrangement in order to accurately record the appropriate Program Choice and PPG in Tracked Child Detail. This will determine the applicable sections of the FASP to be completed.

*Foster Care Placement with a Relative/Other Resource:* Some children are placed in foster care with relatives, other family resources, or suitable persons who are not related serving as foster parents, pursuant to Article 10 or 7 legal actions. These children should have a Program Choice of Placement. The child's PPG will depend upon the long term plan for the child.

*Temporary Care of a Relative/Other Resource:* Some children are in a temporary alternative living arrangement with a relative, other family resource, or suitable persons who are not related as the result of child welfare involvement. However, these children are not considered to be in foster care. The correct Program Choice for these children is Non-LDSS Custody, which will generate the applicable section of the FASP for documenting relevant assessments and decisions for these children. A child with a Program Choice of Non-LDSS Custody will have a unique PPG which clarifies the intended long-term plan for the child.

*Permanent Care of a Relative/Other Resource:* Some children are in the permanent (Article 6) custody or guardianship of a relative/other resource (Including children in kinship guardianship with KinGAP), or were previously adopted by the resource. In these cases, services are open in the name of the resource who has either requested services or is now the focus of a CPS Investigation. These are not Non-LDSS Custody cases. These children will have a Program Choice of Preventive, and/or Protective, and/or Placement, in accordance with case circumstance.

## Non-LDSS Custody-Relative/Resource Placement Connections Window

### Non-LDSS Custody: Appropriateness of Alternative Setting

Non-LDSS Custody-Relative/Resource Placement - Collins, Kristy - S:27200095/C:37200038

Print Screen

	Name	Sex	DOB	Age	In Proc	PPG	Program Choice 1	Program Choice 2	Program Choice 3	Ass
<input checked="" type="checkbox"/>	Collins, Kimberly	F	08/16/2007	8		Reunite with Parent	Protective	Non-LDSS Custody - Relative/Resource Placement		
<input type="checkbox"/>	Collins, Tyler	M	03/30/2014	2		Reunite with Parent	Protective	Non-LDSS Custody - Relative/Resource Placement		

Count = 2

**Appropriateness of Alternative Setting**

Caretakers Name:

Relationship to Caretaker:

Address

Street:

PO Box/Apt:

City:  State:  Zip:

County:  CD:

Explain the appropriateness and safety of this living arrangement.

Placement Functioning

Permanency Progress

Record Return Home

! = Sensitive \* = Required \$ = AFCARS ✓ = Data Exists (C) = Complete 🔒 = Read-Only Mode 🔄 = Unsaved Changes

#### Quick Tips to Complete Appropriateness of Alternative Setting

This portion of the window must be completed for *each* child in Non-LDSS Custody. Responses should be individualized to reflect each child's unique situation.

Select a child from the list at the top of the screen.

Accurately record the demographic information for each child's specific living arrangement (i.e., caretaker name, address, and child's relationship to the alternative caretaker).

Briefly describe why this specific resource was chosen and why it is deemed to be safe and appropriate for this child at this time. For example:

This resource:

- Voluntarily offered to be a resource for this child.
- Has sufficient space, beds, and other resources to meet child's basic needs.
- Demonstrates empathy, and has a positive relationship with the child's parent.
- Has a history of working cooperatively to support the parent.

- Is aware of the safety factors that caused the need for an alternative living arrangement, and understands the severity of these circumstances.
- Is willing and able to follow restrictions set by LDSS or the court regarding any limits placed on parent and child contact, or other necessary limitations.
- Has an effective emergency safety plan if the parent attempts to remove the child.
- Has a prior relationship with the child, with strong relationship ties.
- Has successfully cared for, or provided respite for the child in the past.
- Is aware of the child's special needs and has access to resources to support him/her in meeting the child's needs.
- Is capable of providing the level of supervision needed by the child.
- Demonstrates an appropriate level of empathy, patience, flexibility, and interest in the child's well-being.
- Has sufficient understanding of the child's separation/loss issues to enable him/her to support the child's emotional needs, including management of difficult behaviors.
- Is able to manage his/her own feelings regarding the birth parents, the precipitating circumstances; and the child's difficult behaviors.
- Is able to keep siblings living together in this home.
- Is willing to support the child's contact with siblings living elsewhere and with parents, when appropriate.
- Is willing to maintain continuity with the child's community, school, existing services, extended family, friends, and religious affiliations.
- Is willing to support the child's permanency plan, including return home, when appropriate.

### *Appropriateness of Alternative Setting*

This portion of the window is required when a child first enters a Non-LDSS Custody setting, or moves from one setting to another. It captures information about the child's specific living arrangement, and why it was selected with regard to safety and appropriateness for the child.

Whenever a child moves from one living environment to another, safety is always of paramount concern. Non-LDSS Custody arrangements may present unique challenges in maintaining safety where parents may have ready access to the children. When making decisions about alternative living arrangements, workers must give special attention to the unique safety needs of these families.

Removal from one's home is a traumatic event for children, involving changes and losses on many levels: the loss of what was familiar, even if it was not optimal; the loss of loving attachments to parents, siblings, relatives, pets, personal belongings; the loss of familiar routines, foods, sights, smells, and sounds; the loss of school, community, and religious connections. A relative or other alternative resource is likely to be able to provide greater continuity with key elements of a child's world, and is generally a person known to the child, who the child may already love and trust (as opposed to an unknown foster parent, who is a stranger). However, it is still important that workers consciously endeavor to maintain continuity with the people, places, and routines that are of importance to the child, unless to do so would compromise the safety and well-being of the child or others in his/her environment.

## Non-LDSS Custody: Placement Functioning

Non-LDSS Custody-Relative/Resource Placement - Collins,Kristy - S:27200095/C:37200038

Print Screen

#	Name	Sex	DOB	Age	In Proc	PPG	Program Choice 1	Program Choice 2	Program Choice 3	Ass
<input checked="" type="checkbox"/>	Collins, Kimberly	F	08/16/2007	8		Reunite with Parent	Protective	Non-LDSS Custody - Relative/Resource Placement		
<input type="checkbox"/>	Collins, Tyler	M	03/30/2014	2		Reunite with Parent	Protective	Non-LDSS Custody - Relative/Resource Placement		

Count = 2

Options  
Expand All  
Collapse All  
Copy to Other Child(ren)  
Save  
Save & Close  
Reset  
Help

✓ Appropriateness of Alternative Setting

^ Placement Functioning

For each child in an alternative setting, describe the child's functioning. The pertinent information to be included is: the child's adjustment in the current placement; how this setting meets the child's needs; the child's ability to deal with separation and loss; and the child's response to any moves.

Identify and describe the key protecting factors that keep the child safe in this setting.

✓ Permanency Progress

✓ Record Return Home

Save & Close Save Reset

! = Sensitive \* = Required \$ = AFCARS ✓ = Data Exists (C) = Complete 📁 = Read-Only Mode 📄 = Unsaved Changes

### Quick Tips to Complete this Screen

This screen must be completed for each child in Non-LDSS Custody. Responses should be individualized to reflect each child's unique situation. These questions must be completed on every FASP, signaling that a worker has continued to make an ongoing assessment of the child's adjustment and safety while in the alternative living setting.

Select a child from the list at the top of the screen.

In the first narrative, describe:

- The child's response to separation and loss, including any conflicting loyalties the child may be experiencing.
- The child's overall adjustment, functioning, and well-being in the current setting (e.g., the child's relationship with others in the home, the status of child's health, mental health, and education).
- The continuing appropriateness of this specific setting to meet the child's needs (e.g., Does this home continue to have the services available and the level of supervision necessary to meet the child's needs? ; Have the child's needs changed significantly since the last FASP, and if so, would the child likely benefit from a different type of setting?).
- If child has moved since the last FASP, document the child's response to this move.

In the second narrative, describe protecting factors within the Non-LDSS Custody setting that serve to promote and support safety in the child's current living arrangement. This is a strengths-based assessment of the skills and resources that support safety within the Non-LDSS Custody setting. The protecting factors assessment must assess what supports safety within the resource's home while the child is living there. Also consider whether there are any emerging issues or vulnerabilities that may compromise safety in the relative/resource's home.

Some things to consider:

- Is child in any potential danger from others within the home?
- Is the child a threat to others in the home or community?
- Where necessary, does the resource abide by any limits placed on contact between child and birth family?
- Does the resource have sufficient means to meet the child's needs?
- Does the worker observe, or is the resource raising concerns about any unmet needs or stressors that may undermine their ability to continue caring for the child?

If any of these exist, the Service Plan should clearly describe what the worker has done, or will do, to address potential safety issues in the resource's home.

This screen is required at each FASP following a child's move into a Non-LDSS Custody setting. The screen requires workers to reassess the continuing appropriateness of the Non-LDSS setting, as well as the child's continuing adjustment to, functioning in, and safety within the Non-LDSS Custody setting.

### *Child's Adjustment and Functioning in the Non-LDSS Custody-Relative/Resource Placement Setting*

When children are in an alternative living arrangement, the agency is responsible for promoting and supporting the child's well-being. This includes things like regular medical, dental, and mental health care; education; religion and spirituality in accordance with the child and family's preferences; as well as connections with friends, hobbies, interests, and recreational opportunities. Ongoing assessment of child well-being is essential to ensure the child's normal growth and development, and to identify and respond to any issues, concerns, or needs that may arise while the child is in an alternative living arrangement.

Similarly, an ongoing assessment of any special needs the child may have, and of the resource's ability to meet those needs, is necessary to determine if this specific setting is still appropriate. This needs assessment is especially important for children living with relatives, or other resources who may not be formally trained, or who may be reluctant to ask for help for fear of jeopardizing the child's placement with them.

This question provides an opportunity for the worker to revisit and reassess the "Appropriateness of Placement" documented at the time this relative/resource's home was chosen as an alternative placement setting. Adjustments and support should continue to be provided as needed.

To obtain the above assessment information, workers need to speak with the relative/resource with whom the child is living, and with others who provide services directly to the child (e.g., therapists, teachers, aides). The worker should also speak directly with the child and with his/her parents, as well as observe the child in the relative/resource's home, or their school to obtain a clear picture of the child's adjustment.

### *Safety in the Non-LDSS Custody-Relative/Resource Placement Setting*

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A worker's focus on safety continues when a child is in Non-LDSS Custody, but with an added dimension. While Non-LDSS Custody placement is often a step taken to protect a child from dangers in his/her own home, workers also need to be mindful of what factors support safety within the relative/resource's home and what vulnerabilities or dangers might be present that could undermine the child's safety. If safety concerns arise within the Non-LDSS Custody setting, workers must take timely and effective action to lessen these vulnerabilities and to protect the child or others.

Safety concerns within the Non-LDSS Custody setting can be similar to safety issues at home. Although the appropriate checks and a thorough assessment should be completed before a child is allowed to move in with a relative/resource, instances have occurred in which, after moving into the relative/resource's home, the child's basic needs may go unmet, physical or sexual abuse may occur, medical, developmental, or emotional needs may go unmet. If this occurs within a Non-LDSS Custody setting, a State Central Register report regarding the relative, with appropriate follow-up action taken by investigators, may be needed. It is the worker's duty to proactively assess circumstances within the Non-LDSS Custody setting that may compromise safety within that home. This requires workers and alternate caretakers to work together to see that the child's basic and emotional needs are being met, and to intervene to protect a child when necessary.

The assessment of protecting factors prompts workers to identify the strengths and resources within a relative/resource's home that support safety. Workers assess safety in the Non-LDSS Custody setting by knowing the strengths and resources of the relative/resource where the child is living, ensuring the appropriateness of the "fit" between the child and his/her specific living arrangement; having direct contact with the persons directly responsible for the child's care; and observing and/or talking with the child in the Non-LDSS Custody setting, and/or in a neutral setting. This allows a worker to assess if the child's needs are being met; identify the factors that support safety in his/her Non-LDSS Custody setting; as well as identify any stressors, vulnerabilities, or serious concerns that may exist, and what steps may be necessary to support the child's safety and well-being within the Non-LDSS Custody setting.



### *Some Indicators of Separation, Loss, and Adjustment to Change Issues in Children*

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*Physical Indicators:* Abrupt or noticeable changes in eating or sleeping habits; regression in toileting; physical illness; use of drugs or alcohol; refusal to take prescribed medications; decline in personal hygiene; change in energy level; etc.

- John continues to avoid meal times, hiding out in his bedroom. He refuses to brush his teeth, and has lost 8 pounds since coming to live at his grandmother's home. These issues are being addressed with his therapist.
- Since moving into Aunt Betsy's home, Selena, age 8, has had fewer stomach aches and is sleeping better.

*Emotional Indicators:* Crying; withdrawal or isolation; feelings of sadness, hopelessness, blame; nightmares; noticeable or extreme changes in demeanor or attitude; inability to concentrate, or to function at previous ability level in school; behavioral outbursts; any extreme behaviors, including threats of violence, or self-injurious behavior; any issues requiring mental health attention; noticeable or extreme reactions before or after visits with family of origin; etc.

- Marguerite, age 14, tells the worker that she has had recurring nightmares of what might happen to her parents and siblings if she is not there to care for them.
- Since the move to Kennedy Middle School, Jamal has improved his work habits and grades. He reports that he likes it there, and is making friends.
- Fatima tells her therapist that she is often sad and feels nothing will work out.
- Matilda, age 5, has been hitting other children in the home when they have what she wants.

*Interpersonal Indicators:* Unwilling to interact with household members; refusal to follow rules in the home; unwilling to or intense interest in contact with parents, siblings or other former attachments; relationships at school; inability or unwilling to develop new friendships; etc.

- Regina and Hannah, ages 3 and 4, have become intensely attached to their new caretakers in a short amount of time. Aunt Jan and Uncle Joe report that the children seek attention and physical contact frequently throughout the day, and are fearful of anyone coming into the home.
- Although Jonah is adjusting well in his minister's home, and is forming a healthy attachment with the family, he has been repeatedly suspended from school for his angry outbursts, fighting with peers, and class disruption.
- Keisha spends much of her time alone in her room, rarely interacting with other members of the household. Keisha states that no one has hurt or threatened her, but that "these people are weird" and doesn't want anything to do with them.

## *What are Protecting Factors in a Non-LDSS Custody-Relative/Resource Placement Living Arrangement?*

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Protecting factors are any strengths, attributes, circumstances, and resources that serve to promote and support safety in a child's current living arrangement (i.e., in the Non-LDSS Custody setting).

The following is a list of strengths, attributes, circumstances, and resources that can support safety in an alternate living arrangement. This list is not intended to be all inclusive, nor is it a checklist. The list can serve as a guide for workers when assessing the ongoing safety of a child within a Non-LDSS Custody arrangement.

Strengths, basic resources, and qualifications of the home:

- There are a manageable number of children living under the care of this relative/resource.
- The relative/resource has sufficient respite and/or other resources to assist him/her to effectively manage the number of children in the home.
- The number of children living with this relative/resource has been specifically limited to allow the adults to provide more intensive supervision/care to meet this child's needs.
- The mix of children within the home supports safety (e.g., age, size, vulnerability of children).
- There is sufficient space and bedding for the number of children in the relative/resource's home.
- The relative/resource has sufficient financial resources, or is provided with financial supports, to meet the child's needs.
- The relative/resource has transportation to access needed services.

Qualities, skills, and abilities of the persons directly caring for the child:

The relative/resource:

- Has a prior/ongoing positive relationship with the child, and this placement continues that relationship.
- Knows of this child's history and needs, and either demonstrates the ability to meet this child's needs, or the resource has previously cared for other children with similar needs.
- Demonstrates an appropriate level of empathy, patience, flexibility, organization, and interest in the child's well-being.
- Has sufficient understanding of the child's separation and loss issues, and can respond appropriately to the child's emotional needs, including management of any difficult behaviors.
- Is able to manage his/her own feelings about the child's birth parents, and the circumstances that led to the need for this alternate living situation.
- Demonstrates an appropriate level of knowledge and skill regarding the child's special needs.
- Has appropriate training or skills to meet child's basic or special needs.
- Uses appropriate measures to de-escalate conflict when necessary.
- Understands his/her role as a temporary caretaker, and is able to support the child's relationship with the child's birth parents, where appropriate.
- Is able to support the child in managing emotions related to the child's PPG and in preparing the child for permanency.

Interpersonal relationships among the child, his/her caregivers, parents, and other persons in the home:

- The child feels comfortable and safe in his/her current living arrangement.
- The relative/resource willingly agreed to assume responsibility for the child.
- The child trusts and responds to the relative/resource in a manner consistent with the child's age, circumstances, and length of time in that home.
- The child generally follows rules, routines, and expectations in the home.
- The child gets along with others living in the home.
- The child has appropriate conflict management skills, and access to adults with the ability to help the child manage conflicts that arise within the home.
- The relative/resource has a positive relationship with the child's parents, not one with conflict.
- Relative/resource readily allows worker to visit his/her home and to meet with the child.
- Caseworker has sufficient contact with the child and the relative/resource to assess and address any relevant concerns regarding the care and safety of the child in the Non-LDSS Custody setting.
- Relative/resource is able to set and maintain appropriate boundaries with the child's birth parents when contact with the child presents a safety issue. This includes abiding by court ordered visitation or a court order prohibiting visitation.

Resources and supports are readily available to the persons directly caring for the child:

- There is a clear crisis management protocol established within the home and sufficient resources to manage crises.
- The relative/resource has accurate and timely information about a child's special needs, and appropriate resources to meet those needs.
- The relative/resource and child's caseworker have a positive relationship, ongoing communication, and the relative/resource views the caseworker as a source of support, and means of obtaining needed resources.
- The relative/resource has access to the child's teacher, medical providers, social worker, and/or other professionals for support and guidance regarding the child's needs.
- There is available respite, either formal or informal, if needed by the relative/resource.
- Relatives have been made aware of kinship programs in their community, and the statewide Kinship Navigator program.
- Relatives have been given, or can access, "Having a Voice and a Choice – A Handbook for Relatives Raising Children."

### *What can Workers do to Address Vulnerabilities that may Compromise Safety in a Non-LDSS Custody-Relative/Resource Placement Setting?*

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It is important that agencies, workers, and foster care providers work together to see that the child's basic, physical, and emotional needs are being met before a child is harmed, or before it becomes necessary to move a child. While some moves will certainly increase the child's sense of physical and emotional safety, a move from one setting to another can be just as disruptive for the child as the original removal from home.

Listed below are some steps that can be taken or services that can be provided within the Non-LDSS Custody setting to support safety, and to protect a child when necessary. Workers and supervisors must make a case-by-case assessment as to what measures are necessary and sufficient in any given situation.

Caseworkers may:

- Assist relative/resource in obtaining financial resources, including child-only grants and Medicaid.
- Assist relative/resource in obtaining needed tangible resources (e.g., clothes, toys, books, transportation).
- Discuss with relative/resource alternative strategies for managing child's behaviors.
- Increase contact between caseworker and resource to assess the situation more regularly, and to provide support.
- Arrange for increased supervision of the child, or respite for the relative/resource.
- Provide crisis resources when needed.
- Inform the relative/resource about training or support groups specific to the child's needs.
- Provide access to qualified professionals who can inform caregivers, and/or assist with the child's special needs.
- Advocate with schools, medical providers/insurers, community resources to obtain needed services for the child.
- Request that the relative/resource remove dangerous items/substances from the home.

## Non-LDSS Custody: Permanency Progress

**Non-LDSS Custody-Relative/Resource Placement - Collins, Kristy - S:27200095/C:37200038**

Print Screen

Name	Sex	DOB	Age	In Proc	PPG	Program Choice 1	Program Choice 2	Program Choice 3	As
<input checked="" type="checkbox"/> Collins, Kimberly	F	08/16/2007	8		Reunite with Parent	Protective	Non-LDSS Custody - Relative/Resource Placement		
<input type="checkbox"/> Collins, Tyler	M	03/30/2014	2		Reunite with Parent	Protective	Non-LDSS Custody - Relative/Resource Placement		

Count = 2

**Options:** Expand All, Collapse All, Copy to Other Child(ren), Save, Save & Close, Reset, Help

**Appropriateness of Alternative Setting**

**Placement Functioning**

**Permanency Progress**

Explain if the plan is to reunite child(ren) with parent or for child(ren) to remain in care of relative/resource.

Is parent(s) in agreement with this plan? ☐ Yes ☐ No ☐ N/A

Does the child have contact with members of his/her family? ☐ Yes ☐ No

Has a permanency plan of guardianship/custody or adoption been discussed with the relative/resource? ☐ Yes ☐ No

**Record Return Home**

! = Sensitive \* = Required \$ = AFCARS ✓ = Data Exists (C) = Complete 🛡 = Read-Only Mode 💾 = Unsaved Changes

### Quick Tips to Complete this Screen

This screen must be completed for each child in Non-LDSS Custody. Responses should be individualized to reflect each child's unique situation.

In the first narrative, identify the permanency plan for the child:

- Reunite with Parent(s)
- Legalize Living Arrangement with Relative/Resource
- Permanent Living Arrangement (Non-Guardianship/Non-Custodial)

Select the appropriate response regarding parents' agreement with this plan. A "No" response will generate a required narrative. Describe the parents' point of view regarding the PPG, including their agreement with and/or objections to the plan.

Select the appropriate response regarding child's continuing contact with family members. A "Yes" or "No" response will generate an optional narrative field. (This narrative does not need to be completed if the worker completes a visitation plan and plan review in the FASP.) Describe the reasons why such family contacts are not occurring. Describe efforts by the worker or relative/resource to facilitate, encourage, and support such contacts. Examples:

- Caseworker has tried to contact parents to explain the importance of maintaining contact with their child, and to engage them in visiting with child.

- Caseworker has offered transportation for the parent, child, or siblings.
- Caseworker has offered an alternate visitation setting.
- Caseworker has met with parents and relative/resource to discuss roles, boundaries, or areas of conflict regarding visitation.
- Relative/resource has offered to provide transportation for the child to visits with parents.

Select the appropriate response regarding the discussion of custody, guardianship, or adoption. A “Yes” or “No” will generate a required narrative. If “No,” describe why the options have not been discussed with the relative/ resource. Examples:

- The child’s family circumstances are such that this Non-LDSS Custody arrangement is expected to be very short-term. Therefore, a discussion of custody or guardianship with the relative/family resource would not be appropriate at this time.
- Relative/resource is not interested in a long-term commitment to this child.
- Relative/resource is not interested in a formal legal relationship with the child via custody, guardianship, or adoption.
- The parents are unlikely to surrender the child.
- The parents will not agree to custody or guardianship (under Article 6), and extraordinary circumstances do not exist.
- The parent’s circumstances are such that TPR is not an available or preferred option at this time. The evidentiary grounds are unlikely to be met, and the child is not likely to be freed for adoption.

### *Permanency Progress*

Like foster care, Non-LDSS Custody (Article 10) is intended to be a temporary arrangement while parents work to resolve safety or child behavior issues. While such an alternate living arrangement can help to maintain some continuity for the child, it still involves the separation of the child from his/her parents, primary caretaker, and/or other significant elements of the child’s family and community. Permanency is a continuous goal for the child and family, and must be planned for, assessed, and reassessed. Depending on the specific family circumstances, and the family’s willingness to work toward the timely improvement of the original child welfare issues, the PPG will vary by child/family. The caseworker and the family must maintain a clear focus on the long-term permanency needs of the children in Non-LDSS Custody, and be clear about the focus of casework activities.

This portion of the screen prompts workers to maintain a focus on long-term permanency planning, and continuity for the child. It also prompts workers to gather input from the family, so a mutually clear understanding can be established with the family about the intended long-term plan for the child. This portion of the screen must be completed in each FASP while a child is in a Non-LDSS Custody living arrangement.

## Non-LDSS Custody: Record Return Home

Non-LDSS Custody-Relative/Resource Placement - Collins, Kristy - S:27200095/C:37200038

#	Name	Sex	DOB	Age	In Proc	PPG	Program Choice 1	Program Choice 2	Program Choice 3	As
<input checked="" type="checkbox"/>	Collins, Kimberly	F	08/16/2007	8		Reunite with Parent	Protective	Non-LDSS Custody - Relative/Resource Placement		
<input type="checkbox"/>	Collins, Tyler	M	03/30/2014	2		Reunite with Parent	Protective	Non-LDSS Custody - Relative/Resource Placement		

Count = 2

**Record Return Home**

Were the reasons, including safety, that the child(ren) was placed with a relative/resource successfully addressed?

Has the parent/caretaker met the conditions of the court order? ☐ Yes ☐ No ☐ N/A \*

Are there any needs related to the child that should be addressed after the child's reunification with the parent/caretaker (i.e. developmental, medical, behavioral, educational, etc.)? ☐ Yes ☐ No \*

! = Sensitive \* = Required \$ = AF-CARS ✓ = Data Exists (C) = Complete 🛡 = Read-Only Mode 💾 = Unsaved Changes

### Quick Tips to Complete this Screen

This portion of the screen must be completed for each child in Non-LDSS Custody. Responses should be individualized to reflect each child's unique situation. Provide a brief summary for each of the three questions:

**Question #1:** "Were the reasons, including safety, that the child was placed with a relative/resource successfully addressed?"

Provide a clear description of the behaviors and conditions that created or maintained the need for placement. Provide a clear description of the changes in behaviors or conditions that have occurred to create a safe environment for the child in the parents' home. (The worker should describe actual changes in behavior and conditions, not merely compliance with services.)

Examples:

- Custodial parent has severed a dangerous relationship, and demonstrates an ability to keep dangerous persons away from the child.
- Parent now has sufficient and stable income and housing.
- Parent has been drug and alcohol free, and is effectively using a support system to prevent relapse.
- Parent demonstrates an awareness of child's needs and responds appropriately.

- Parent has and uses a support system effectively to meet family and child's needs.

Provide a summary of any issues that remain in the parents' household related to other children and adults, which may impact the child's safety.

Examples:

- Parent is raising another child with special needs in the household.
- Parent is caring for an elderly family member.

*Question #2: "Has the parent/caretaker met the conditions of the court order?"*

Select the appropriate response. A "No" response will generate a required narrative stating, "the parent(s) did *not* meet one or more of the court ordered conditions for discharge." Briefly describe the court ordered conditions that have not been met by the parents, and why they were not met. Identify any steps they must now take in order for the child to return home.

Example:

- If a parent was court-ordered to attend weekly counseling meetings, and has yet to attend, the reason for not attending must be documented. Document what expectations the parent must now meet in order for the child to return home.

If there is no court order in place, N/A is the proper response.

*Question #3: Are there any needs related to the child that should be addressed after the child's reunification with the parent/caretaker (e.g., developmental, medical, behavioral, educational, etc.)?*

Select the appropriate response. A "Yes" response will generate a required narrative. Clearly describe how the child's developmental, medical, behavioral, and educational needs will be addressed after discharge from relative/resource.

Examples:

- The child will continue to attend developmental preschool.
- Early intervention services will continue in child's home after discharge.
- Parent will continue monthly check-ups with child's medical provider.
- Visiting nurse service will continue in child's home after discharge.

Confirm that the information in this screen is consistent with case circumstances, and supported by relevant and sufficient information in the progress notes and elsewhere in the record.

### *Record Return Home*

When a child is discharged from the care of a relative/resource to the care and custody of the parents, it is essential to assess what makes reunification a safe and appropriate decision at this time. What



circumstances, services, and supports are necessary to continue to support safety, permanency, and child well-being in the home of origin?

This portion of the screen poses three questions to prompt and support a worker's assessment of the parents' and child's readiness for reunification at this time.

## Frequently Asked Questions

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### *What is unique about Non-LDSS Custody-Relative/Resource placement?*

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There are similarities, yet there are also significant differences between foster care and Non-LDSS Custody living arrangements, which affect assessment, planning, and decision making.

The worker, the parents, and the resource must have a clear, mutual understanding of the intent of the living arrangement (i.e., Is the intended goal to return the children to the parents, or to support the resource in raising the children? What will be the role and relationships among the parent, child, relative/resource during and after the alternative living arrangement?).

While such alternate living arrangements can help maintain some continuity for a child and avoid foster care placement, it still involves a child's separation from his/her parents, and other significant elements of the child's community. It is important to remember that even placement with a family member is a serious measure, and can cause significant disruption to a child's day-to-day routine and personal attachments.

For a child in Non-LDSS Custody, workers have a responsibility to assess the appropriateness of the arrangement, support continuity for the child, assess the safety of the child within the alternate living setting, and assess the child's adjustment and functioning within the alternate living setting. The worker must also actively pursue and support permanency for each child in accordance with the family's needs, goals, and resources at any given time. Additionally, there may be added issues of managing boundaries and existing relationships among family members who are not taking on different roles.

Accurate, complete, and timely recording of this information is critical to shared decision making, and coordination of activities among service providers and family members. This documentation will also make the information available to currently involved and future workers. In some cases, it will also be appropriate and necessary to complete the Family/Child Visiting Plan, Visiting Plan Review, and/or the Life Skills Assessment components in the Non-LDSS Custody section of the FASP. This will help to ensure a more complete assessment and therefore a more appropriate service plan for the family.

The Non-LDSS Custody component consists of four tabs that help workers consider and address a variety of assessment, planning, and decision making issues unique to Non-LDSS Custody arrangements:

- Appropriateness of Alternative Setting
- Placement Functioning
- Permanency Progress
- Record Return Home

### *When is a Program Choice of Non-LDSS Custody-Relative/Resource placement appropriate?*

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A Program Choice of Non-LDSS Custody is appropriate when a child is temporarily living with relatives or other alternative resources, and there is an active CPS and/or preventive case.

Situations might include:

- During a CPS investigation, as an alternative to placement, the child is moved to a relative's home until the conclusion of the investigation. There is no formal removal; there is an agreement between the parent, the relative, and the caseworker.
- Following an emergency removal to foster care, an appropriate relative comes forward as a resource. The judge awards custody directly to the relative under Article 10 of the Family Court Act.

In each of the above scenarios, the child's Primary and Secondary Caretaker, for the purposes of assessment in the FASP, continues to be the child's birth parents, and/or others living in the home from which the child was removed.

### *What is an appropriate PPG for a child in a Non-LDSS Custody-Relative/Resource placement?*

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Non-LDSS Custody is intended to be a temporary arrangement while parents work to resolve safety or other issues. Depending on the specific family circumstances, the PPG for these children will vary. To clarify the intended direction of casework efforts, and to help maintain a clear focus on the long-term permanency needs of children in Non-LDSS Custody, the FASP provides a unique set of PPGs for these children:

- Reunite with Parent: Often the plan is for the child to return home to the parent, with the focus of casework and permanency planning on resolving issues within the child's family home, reducing risk, strengthening family functioning, and supporting child well-being so that the child can safely return to his/her family of origin.
- Legalize Living Arrangement with Relative/Resource: Sometimes the long-term plan is not for the child to return to his/her family of origin, but for the child to remain with the relative/resource with a formal legal relationship established (i.e., Article 6 custody, kinship guardianship, or adoption, if parents surrender or parents' rights are terminated).
- Permanent Living Arrangement (Non-Guardianship/Non-Custodian): A third possibility is for the child to remain with the relative/resource indefinitely, with no formal legal relationship established between the child and the relative/resource.

Selection of the appropriate PPG assists both worker and family to be clear about the direction of permanency planning at any given time.

### *What is the focus of casework services in a Non-LDSS Custody-Relative Resource placement case?*

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The PPG will influence the focus of casework efforts, the SNR Scales, Assessment Analysis, and Service Plan. Listed below are some examples on how the PPG dictates the focus of casework services.

- For a child in Non-LDSS Custody whose PPG is Reunite with Parents, the focus of casework activity is similar to that of a child in foster care with a PPG of Discharge to Parent. Assessment and service planning continues to be focused on the parent's capacity to provide safety, permanency, and child well-being.
- For a child whose PPG is Permanent Living Arrangement (Non-Guardianship/Non-Custodian), the focus of casework shifts to assisting and supporting the relatives in becoming long-term, permanent caretakers, while also helping to determine and support whatever relationship the birth parent will have with the child. In these cases, the Safety Assessment and RAP will continue to focus on the birth parent and his/her household. The focus of the SNR Scales, Assessment Analysis, and Service Plan may shift to include a focus on the relative/resource's capacity to raise the child, his/her ability to manage the child's relationship with the child's parents, or to help the child deal with the parent's absence from the child's life.
- If the child's PPG is Legalize Living Arrangement with Relative/Resource, the focus of casework would mirror that of the non-legalized permanent living arrangement, with the addition of working toward the legalization of the arrangement. Once the relative/resource becomes the child's legal, permanent caretaker, the case in the parent's name would close. The relative/resource may request preventive services in their own name if needed.

### *Does ASFA apply to Non-LDSS Custody-Relative/Resource placement arrangements?*

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Non-LDSS Custody-Relative/Resource Placement arrangements are not considered foster care, and therefore are not subject to the requirement to file a TPR petition after 15 of the most recent 22 months in out-of-home placement. However, a TPR petition may be filed if circumstances warrant, or the court orders such action to promote safety and permanency for the child. Children who are removed under Article 10, and placed directly by the court with a relative or other suitable person, are granted the legal protection of a Permanency Hearing at eight months after removal and every six months thereafter.

### *When to complete the Non-LDSS Custody-Relative/Resource placement section of the FASP?*

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Any applicable change in a child's alternate living arrangement should first be documented in the progress notes, but also requires documentation of the change in a Plan Amendment or FASP within thirty days of the change.

The corresponding questions in the Non-LDSS Custody section of the FASP should be completed within thirty days of the change. If the child has remained in the same Non-LDSS Custody arrangement since the last FASP was completed, the caseworker will not be required to complete the Appropriateness of Alternative Setting screen. If the next due FASP cannot yet be launched, a Plan Amendment must be launched to complete the applicable Non-LDSS Custody tabs. If the FASP can be launched (or has already been launched), and will be approved within the next thirty days, the changes can be documented in that FASP. If the FASP is available to launch (or has already been launched), but will not be available for approval within the next thirty days, a Removal Update must be completed in lieu of a Plan Amendment. The child's Program Choice must be changed to Non-LDSS Custody-Relative/Resource Placement in order for CONX to generate the Non-LDSS Custody section of the FASP or Plan Amendment.

For sibling groups, the Non-LDSS Custody questions must be answered on a per child basis. Where applicable, workers must differentiate circumstances, needs, and activities among siblings.

### *Who completes the Non-LDSS Custody-Relative/Resource placement section?*

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The Non-LDSS Custody section is usually completed by the Case Planner.

When cases are shared by more than one worker, no set of universal responsibilities applies. Roles and responsibilities for completing the Non-LDSS Custody section may vary depending upon agency protocol, case circumstances, and worker roles within a specific case. If there is a Case Worker associated to a particular child, only that worker and the Case Planner are able to complete the Non-LDSS Custody questions related to that child. It is imperative that whoever is documenting the Non-LDSS Custody section of the FASP includes the input of other providers working with the family, who may not have access to this section of the FASP.

Decisions regarding documentation responsibilities are made on a case-by-case basis, and should be determined well in advance of a FASP coming due. The Case Manager is responsible for ensuring that responsibilities are clear for each case.

Ultimately it is the responsibility of the Case Planner to ensure that the FASP, including the Non-LDSS Custody section, reflects the contributions and activities of all relevant parties. It is the job of the Case Planner to edit entries made by contributing caseworkers for clarity, completeness, and consistency.